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ABSTRACT

This paper reviews research concerning the attitudes that principals, journalism advisers, high school journalism press association directors, and student editors hold toward student publications, and it reviews research concerning effective political strategies. The study focuses particularly on the strategies employed by supporters of student press legislation in Arkansas, where such legislation, despite the state's politically conservative orientation, was passed finally in 1995. A detailed history of attempts to draft legislation palatable to all parties involved shows how convoluted a process it became. Supporters of the Arkansas Student Publications Act found that it was only by applying information from both surveys of those associated with high school publications and surveys of those involved in the political processes that they were able to draft successful legislation. First, supporters built a wide base of support for their proposed bill. When that base of support seemed about to unravel, they framed the issue in terms all could appreciate and also compromised on some issues. Second, supporters found effective legislative sponsors, all of whom were well-respected Democrats with rural constituencies, and two of whom were experienced legislators who had either media or teaching backgrounds. Third, and perhaps most importantly, supporters negotiated with the opposition before the opposition had a change to mobilize its forces. They managed to convince the opposition that the proposed act was a win-win-win situation for administrators, advisers and students. (Contains 24 references; 5 appendixes contain successive drafts of the bill). (Author/TB)

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Statute Midwifery: Nurturing Passage of a State Student Publications Act

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Abstract

This paper reviews research concerning the attitudes that principals, journalism advisers, high school journalism press association directors, and student editors hold toward student publications, and it reviews research concerning effective political strategies. It then describes how such research can be synthesized to create a successful campaign to pass a state student publications act, and it chronicles the implementation of such a campaign in Arkansas. It suggests that other states may wish to adopt such techniques.

Statute Midwifery:
Nurturing Passage of a State Student Publications Act

In the seven years since the U.S. Supreme Court gave public school administrators nearly absolute control of school-sponsored student publications (*Hazelwood*, 1988), supporters of the student press in 28 states have tried to convince their politicians to protect student expression by state statute (M. Goodman, personal communication, March 13, 1995).[1] Efforts have been successful in Arkansas, Colorado, Iowa, Kansas, and Massachusetts, which increased to six the number of states having some form of statutory protection for student expression in school-sponsored publications. Prior to 1988, only California had included such protection in its Education Code.

Shortly after the *Hazelwood* decision, one educator called upon university schools and departments to "... help the Third Press to secure laws forbidding censorship" (Knight, 1988, p. 47), while others decried the kind of censorship allowed under the Court's new guidelines (Garneau, 1988; Hentoff, 1988; "Hazelwood: Experts React, 1988). Additionally, there emerged a new focus on research that could be related to successful campaigns for student publications legislation.

The most helpful research has specifically tapped two areas: (1) how principals, scholastic press association directors, journalism advisers, and students view various aspects of student publications, and (2) what strategies are successful in securing political support for legislation. Very few, if any, scholarly studies or popular media articles have addressed the ways these two types of information may be synthesized to produce positive results. Such a synthesis was successful in the battle to gain

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[1]The winter 1994-95 (p. 25), spring 1994 (p. 10), and winter 1993-94 (p. 18) issues of the *Student Press Law Center Report* track the most recent attempts to pass student freedom of the press statutes.

student publications legislation in Arkansas, and this paper documents the "synergistic" path that was followed in that state. With a failure rate of 85% in the 27 other states where efforts have been made to pass such legislation since 1988, another approach seemed overdue.

Research Concerning Views About the Student Press

In mid-1988, Click and Kopenhaver reported a nationwide study of high school principals and publications advisers that showed both groups, by overwhelming percentages, favored prior review of student publications (p. 50). Dickson (1989) reported that 98.6% of the Missouri principals he surveyed expected journalism advisers to talk to them if the advisers had any questions about the appropriateness of material scheduled for publication, and he documented several categories of subject matter that principals thought they would suppress in a student publication, if found objectionable (p. 171).

Dvorak, Lain, and Dickson (1994), citing Dickson's previously unpublished 1990 nationwide study of high school newspaper advisers, reported that the kind of newspaper content causing the most conflict was that which was considered to be "not fair or balanced" (p. 290). Click, Kopenhaver, and Hatcher (1993) surveyed principals and journalism advisers nationwide, asking about their attitudes toward student press freedom. They found that the two groups differed "... significantly in their attitudes toward factors relating to student newspapers" (p. 69) and suggested, "Advisers may be well advised to work with their principals to narrow this gap" (p. 69).

Olson, Van Ommeren, and Rossow (1993) asked the nation's scholastic press association directors about their attitudes toward the student press and found high agreement with the statement, "High school journalism advisers should review all

copy before it is printed" (p. 11). They also concluded, "Concerning press rights, the directors believe that high school journalists should be granted First Amendment protection coupled with a strong commitment, as one director puts it, to 'teaching, not supervision, advising, not control'" (p. 12).

Dickson (1994) researched self-censorship attitudes of high school newspaper editors and advisers. He found various degrees of agreement between the two groups concerning both censorship and self-censorship, and he concluded that while most editors were deferential to their advisers, both "... editors and advisers agreed that only limited self-censorship was being practiced and that most newspapers had not failed to run important stories because of self-censorship" (p. 62).

Research Concerning Successful Political Strategies

Nearly 20 years ago, Overbeck (1977, p. 7) described the give-and-take political process that resulted in a document concerning student press guidelines in Los Angeles. The process involved journalism teachers, local celebrities, parents, students, and Los Angeles School Board members, and although the agreement that was reached was not ideal, at least from the journalism teachers' viewpoint, it was better than no agreement at all, given the circumstances.

While Overbeck's work shed light on the process of compromise that occurred in a large city, others have examined different factors affecting political decisions. For example, Songer et al. (1986) surveyed legislators in Kansas and Oklahoma, and found that the legislators' personal values and attitudes were the most common influence on their political decisions. Additionally, these researchers found that overall, constituent influence was more important than the influence of party leaders, fellow legislators, interest groups, or reading material. Constituent influence, however,

varied from 0-100%, depending on the issue involved.

Henry (1990) chronicled the fight for student press legislation in Colorado, noting, "The Colorado legislation was supported by a remarkable effort from a large number of organizations and individuals" (p. 15). Within that large number were teachers' organizations, journalism organizations, friendly legislators, and student newspaper staff members.

An updated version of the Student Press Law Center's guidelines for coalition building and lobbying by students and teachers (1990) confirmed the usefulness of the approach used in Colorado to pass that state's student free press act. The publication also provides suggestions about ways to frame the issue so that supporters can deflect some of the criticisms made of their efforts.

Mooney (1991) examined the use that state legislators made of written information and concluded, "... almost three-quarters of the written information these legislators used came from their colleagues, interest groups, and executive agencies ..." (p. 442). Mooney's point was that generally, state legislators do not seek out written information about the issues on which they vote.

Dvorak and Dilts (1992) discussed the politics of conflict between academic freedom and administrative authority. They stressed that after *Hazelwood*, when conflict arises over student publications, journalism teachers can appeal only to the needs of journalism pedagogy (p. 3). They continued, "There is, of course, no quandary when teachers, administrators, and school boards agree on the goals and purposes of journalism education" (pp. 3-4). Clearly, obtaining agreement reduces conflict.

The same philosophy was espoused by Clark (1994), who noted that The Poynter Institute for Media Studies has begun a program called "A Free and Responsible

Student Press." With publications advisers, principals, and superintendents in mind, Clark wrote, "We think one of our jobs is to attempt to create some opportunity for common ground, reconciling some differences and engaging in a conversation with various players so we can identify those shared values that we encourage rather than discourage in the student press" (p. 122).

Another aspect of the political process involving student publications legislation is who makes the most successful legislative sponsor. Olson, Van Ommeren, and Rossow (1994) surveyed both successful and unsuccessful sponsors of student publications laws, and profiled the characteristics of each. They found that compared to unsuccessful sponsors, the successful sponsors had more legislative experience, were less likely to have urban constituencies, were more likely to have been high school journalists, and were more likely to be either current or former teachers/educators. Overall, they reported that sponsors tended to be Democrats rather than Republicans.

Of equal importance was that they asked unsuccessful sponsors why high school press freedom legislation had failed in their states. The most frequent responses were opposition both from school boards' organizations and teachers' organizations, with several respondents adding principals' organizations and superintendents' organizations to the list (p. 16).

The Synthesis

Given the available research, it is clear that many elements affect the chances of political success for a state student publications act. The major elements relate to content of the proposed act, support for the proposed act, and sponsors of the proposed act. The elements, too, are inter-related.

Regarding content of and support for the proposed act, advocates of high school press freedom may wish to model their legislation after Student Press Law Center guidelines, or after existing state statutes or local policies.[2] The goal is to create a proposal that will receive widespread support from teachers, students, parents, journalists, school administrators, and all of the organizations associated with these individuals. This may mean lengthy discussions with a variety of people over an extended period of time, and the end product may involve compromise.

Given the data concerning the views of principals, journalism advisers, and high school press association directors, it would seem prudent to write legislation that would not exclude prior review of student publications, but that would emphasize fairness and responsibility as an end goal for student journalists. It also would seem beneficial to minimize the role of editorial self-censorship by requiring written publications guidelines. Additionally, to gain maximum support, it would seem imperative to frame the issue in terms that potential opposition could appreciate, and to place appropriate written material into the hands of that opposition, as well as into the hands of legislators and potential supporters.

Ideal sponsors for the proposed act would seem to be Democrats who (1) have constituencies of either rural or rural-urban natures, (2) are experienced legislators, and (3) have backgrounds in teaching and media. Co-sponsors would be useful, if finding one sponsor with all of the ideal characteristics is impossible.

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[2]Student Press Law Center model guidelines and examples of state and local laws are available from the SPLC in Arlington, VA. They also may be found in Knopes, C. (Ed.) (1994). *Death By Cheeseburger*, VA: The Freedom Forum: Arlington, pp. 162-167.

The Arkansas Experience[3]

It is common knowledge that Arkansas, by nearly all definitions, is populated with conservative people. It was quite in character, therefore, for the Arkansas Press Association's legislative committee members to reject a proposal to guarantee the free press rights of high school journalists, when it was presented to them in January 1993. Committee members refused to recommend the proposal to the full membership of the organization because generally, they didn't believe student editors should be allowed to edit without close supervision, and that anything eroding such supervision was not a good idea.

Nothing further was done to promote legislation during the 1993 Arkansas legislative session because it was clear that without media support, a student publications act stood little chance of passing.

In the two years between legislative sessions,[4] much was done to prepare for another attempt to pass a student publications act. Most of the activity took place from July 1994 through March 1995, and it was sparked by several acts of censorship at Little Rock Central High School. Plopper (1994) chronicled that series of events and how they led to the formation of a loose-knit task force of educators, students, and media representatives who created a proposal for the Arkansas Student Publications Act.

On July 26, 1994, at the urging of the executive secretary of the Arkansas High

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[3]Information about the Arkansas experience was gathered from the author's day-to-day records concerning the events that took place.

[4]The Arkansas Legislature meets every other year for 60 days, beginning in the second week of January of odd-numbered years. Sessions may be extended, and special sessions may be called by the governor.

School Press Association, the task force gathered to draft the Arkansas Student Publications Act and to plan a strategy for passing the act. In its initial form (see Appendix A), the act recognized students' right of free expression; stressed journalistic responsibility; charged advisers with teaching professional standards; protected advisers from transfer, removal, or reprimand for lawful activities in connection with student publications advising; absolved school districts of liability for suits filed against the school-sponsored publications edited by students; required creation of written publications policies; and allowed students or their parents or guardians to sue administrators for injunctive relief of censorship.

The act was labeled as a proposal from the Arkansas High School Press Association and the Arkansas Journalism Advisers Association, and it was agreed that initial support would be sought from the Arkansas Press Association, the Arkansas Professional Chapter of the Society of Professional Journalists, the Arkansas Education Association (a teachers' organization), and the Arkansas Parent-Teachers Association. Two members of the task force volunteered to make presentations to these groups.

During the last weekend in July, the act was presented to the Arkansas Press Association's legislative committee, which agreed to think about supporting it. At the end of the presentation, a member of the committee, who in addition to being the co-publisher of a rural newspaper was the area's six-term state representative, volunteered to sponsor the act in the Arkansas House of Representatives. The act was presented to the APA's legislative committee again in November, at which time it was approved.

In mid-August, the act was presented to the board of directors of the local Society

of Professional Journalists chapter, and they unanimously approved it after questioning the wisdom of removing school districts' liability for student publications. The act then was presented to the chapter's entire membership at the end of September and again in mid-October, at which time it was approved.

In early September, the Arkansas High School Press Association's executive secretary sent a copy of the act to a fairly well known principal who was likely to oppose it (W. D. Downs, Jr., personal communication, September 6, 1994). In his response, the principal wrote, "'Freedom of the press' belongs to the one who 'owns the press' and not to the individual writers who work for the 'press.' The school district owns the press and has the right to exercise editorial authority over the news, opinion and advertising content of their (sic) publication."

In mid-September, the act was introduced to the Arkansas PTA's legislative committee, one member of which was a school superintendent and one member of which was a high school principal. Both spoke against the proposal, and three months later it was learned that the committee had decided neither to support the act nor oppose it, although several of its members wanted principals to remain in total control of student publications.

Also in mid-September, several state senators were asked if they had interests in sponsoring the act, but all said they would have to see a final version of it before committing to sponsorship.

On October 15, at an Arkansas High School Press Association in-service workshop, several changes in phrasing and phrase arrangement were made in the act, to make it more administrator-friendly. The changes resulted from some concerns raised by advisers who worked closely with school administrators, and who felt that the original act would wave too many "red flags" at hostile administrators (see Appendix B).

From mid-November to mid-January, no further action was taken toward gaining support for the act, but on January 20, it was learned through the Arkansas Press Association's lobbyist that the Arkansas Press Association member who initially had volunteered to sponsor the bill had been elected as an assistant to the Speaker of the Arkansas House of Representatives and had determined she would be too busy to sponsor any legislation. After various attempts to obtain a new sponsor, a first-term representative with strong ties to the state's Democratic Party agreed to sponsor it. Shortly thereafter, a written plea was made to the original would-be sponsor, asking her to co-sponsor the act, which, in mid-February, she agreed to do.

At the same time, friendly pressure was brought upon a long-time senator, who also was a university professor, to sponsor the act in the Arkansas Senate. He also happened to be chairman of the Senate's Education Committee, where the act would most likely be assigned. As he was involved in a great deal of legislation during the 1995 session, it took him about one and one-half months to sign on as the sponsor. Other friendly senators were kept waiting in the wings, just in case.

In mid-January, because there had been no response from the Arkansas Education Association concerning support for the act, contact was again made with that organization's lobbyist. He noted that the AEA would support the act, but that its lobbying activities on behalf of the act would be negligible due to efforts it had to make regarding other legislation.

On January 26, in an attempt to gain additional media support for the act, it was distributed and discussed at a meeting of another loose-knit coalition of journalists and educators. Several senior journalists found a variety of faults with the act, including its erosion of strong administrative control over content of student publications and its release from liability of everyone financially able to pay for

damages caused by such content.

Soon, most members of the coalition voiced such strong concerns about the act that the executive director of the Arkansas Press Association said he thought he should mention these concerns to the APA's legislative committee, to see if the committee members might want to reconsider their support of the act. He also said he felt the APA had originally supported the act because its members felt somewhat obligated to do so after the local SPJ chapter announced its support for it.

For approximately two weeks, various changes in the act were suggested and rejected during an almost daily dialogue between supporters and opponents within the state's journalistic community. Local lawyers were consulted, as was the director of the Student Press Law Center. By February 15, with half of the regularly scheduled legislative session over, agreement was reached on a shortened version of the act (see Appendix C). At this point, cover letters and copies of the revised act, as well as copies of a rationale for the act, were delivered to the various representatives and senators who had so far been lobbied to sponsor or otherwise support the act. Additionally, cover letters and copies of both documents were delivered to other legislators who were deemed influential in the legislative process.

On February 21, the proposed act became House Bill 1777 when it was introduced in the Arkansas House of Representatives. Within three days, letters requesting support for the bill, along with copies of the bill and the rationale for the bill, were mailed to journalism educators at the state's 14 colleges and universities with journalism and/or mass communications departments, and to members of the state's high school journalism organizations. Also, personal contacts with legislators and media representatives were made February 23-25 at the Arkansas Press Association's winter convention, and letters and electronic facsimiles concerning the bill were sent to

media contacts thought likely to editorialize positively about the bill. Several did.

On March 1, rumblings of legislative opposition began to filter back to supporters of HB 1777. One member of the House Education Committee, a school board member, objected to passing the bill out of that committee as a non-controversial measure. Instead, a March 9 hearing was set for the bill.

After discussing with lobbyists from the Arkansas Press Association and the Arkansas Education Association the most effective ways to blunt opposition, it was decided that members of the opposition should be provided with a detailed analysis of what the bill required and why those requirements would be helpful to all those involved in student publications. By this time, it was clear that the best selling point was the bill's requirement of written student publications guidelines, so that requirement became supporters' major argument.

From March 3 to March 9, telephone contacts were made with the executive directors of the superintendents' association, the principals' association, and the schools boards' association, and explanatory letters and other information about the bill were sent to these three individuals. Intensive negotiations followed.

By the time of the hearing date, without changing the thrust of the bill, the administrators' organizations now voiced only mild opposition to the bill, as it had been amended to alleviate some of their fears (see Appendix D). The committee, however, ran out of time before it reached HB 1777, so it was determined that supporters could return to testify on March 16.

From March 10 to March 15, negotiations continued with the three administrators' organizations. Their major complaint was that the operative sections of the bill were not organized under the policy-making powers of local school boards, so ultimately, the bill was amended again. Negotiations included personal visits with executive directors

of the superintendents' association and the principals' association, as well as exchanges of letters and electronic facsimiles. By now, the Arkansas Assembly had voted to extend the legislative session until March 24.

During this period, it was learned that a 1991 memorandum from the National Association of Secondary School Principals was responsible for much of the resistance to HB 1777 (K. Noggle, personal communication, March 10, 1995). The memorandum cited the *Hazelwood* decision and named the Student Press Law Center as leader of a nationally organized effort to pass legislation to overturn the effects of *Hazelwood*. Referring to the purported SPLC activities, the memorandum contained the following: "These efforts, if successful, will undermine the authority of principals and school officials to control the school curriculum .... Everything we know about effective schooling begins with the principal assuming full responsibility for the learning environment and academic climate of their (sic) individual schools."

Concomitant with the ongoing negotiations with the administrators' organizations, a campaign took place to locate principals and superintendents who favored HB 1777. The campaign was successful, and several principals and superintendents agreed to call their legislators and/or to write letters of support to their legislators. By the time of the committee hearing, supporters had in hand copies of letters from supportive administrators, teachers, parents, students, and other concerned citizens.

On March 16, another amended version of HB 1777 (see Appendix E) was submitted to the House Education Committee. Although a last-minute effort to convince the administrators to drop their opposition failed, the spokesperson for the opposition testified in committee that he felt he could be just as well testifying for the bill as against it. He read from the 1991 memorandum circulated by the NASSP, but said supporters of the bill had worked closely with administrators to make the bill's

language acceptable.

Committee members asked supporters questions which seemed to beg for assurances that under the bill's requirements, high school journalists would be fair and responsible. Relevant portions of the bill were read to committee members, and they seemed satisfied. They then passed the bill out of committee without any "no" votes.

The next day, the first extended news coverage of HB 1777 occurred, and on Monday, March 20, the Arkansas House of Representatives voted 81-4 in favor of the bill. Floor support for the bill had been arranged in advance, just in case one or more members of the House spoke against the bill. None did.

On this same date, the Assembly voted to extend the legislative session until March 31. That action was helpful because it took until March 24 for the Senate Education Committee to discuss the bill. From March 20 to March 24, another round of mailings and telephone calls urged supporters to call or write to Senate committee members and other senators. Each member of the Senate committee received the version of the bill passed by the House, a copy of a letter from a principal supporting the bill, and a streamlined version of the bill's best selling points. Again, the requirement for written student publications policies was the lead argument.

On March 24, after hearing abbreviated testimony, the Senate Education Committee scheduled a second hearing for the bill because several members of the committee had questions that could not be dealt with sufficiently in the time allotted. In the time between hearings, sponsors and supporters of the bill attempted to answer those questions. On March 29, during the second Senate Education Committee hearing, one senator tried to neutralize the bill with amendments, but supporters testifying for the bill (and his committee colleagues) convinced him to withdraw those amendments. Without any "no" votes, committee members recommended

HB 1777 to the full Senate, and supporters mobilized to ensure success on the Senate floor. The Senate passed the bill 35-0 on April 5, after extending the legislative session until April 7. Arkansas Gov. Jim Guy Tucker, on April 10, signed the bill into law (Act 1109).

Earlier, a request for a signing ceremony had been submitted to the governor's staff, and plans had been made to invite advisers and students to the ceremony, to help raise public consciousness about high school journalism. Student Press Law Center Director Mark Goodman had commented earlier that even if the bill didn't contain everything supporters wanted at the outset, the symbolism associated with it could only help the cause of high school journalism (personal communication, March 21, 1995).

Discussion and Conclusion

Although it ended up as a convoluted process, supporters of the Arkansas Student Publications Act found that applying information both from surveys of those associated with high school publications and from surveys of those involved in political processes could have positive results.

First, supporters built a wide base of support for their proposed bill, and when that base of support seemed about to unravel, they framed the issue in terms all could appreciate and compromised on some of the issues involved.

Second, supporters found effective legislative sponsors, all of whom were well-respected Democrats with rural constituencies, and two of whom were experienced legislators who had either media or teaching backgrounds.

Third, and perhaps most importantly, supporters negotiated with the opposition before the opposition had a chance to mobilize their forces. Without giving away everything they had set out to accomplish, supporters convinced the opposition

that the proposed act was a win-win-win situation for administrators, advisers, and students. In fact, the executive director of the superintendents' association said it was refreshing to find opposition that was interested in more than merely trying to "run over" school administrators (K. Noggle, personal communication, March 13, 1995).

Finally, supporters placed favorable written materials into the hands of key legislators, and they made sure that legislators received numerous calls and letters supporting the proposal. The latter effort involved a network of people willing to mail information to others and to call others on a moment's notice.

Although not mentioned in research directly assessing passage of student publications acts, it should be noted that the help of an effective lobbyist is immeasurable. By providing quick contact with legislators, such a person can help extinguish problems that otherwise might prove disastrous. Ironically, the most effective lobbyist was provided by the Arkansas Press Association, which was the organization least comfortable with its support of the original proposal.

The synthesis of information gleaned from past research and reports of attempts in other states to pass a student publications act was critical to the decisions made by the student publications act task force in Arkansas. Without such data to draw from, devastating decisions might have been made when crises occurred during the process. Given that the synthesis approach worked in one of the nation's traditionally conservative states, there is reason to believe it could be used equally well in other states.

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Appendix A

The Arkansas Student Publications Act -- Draft No. 1 (July 26, 1994)

A. Students of the public schools shall have the right to exercise freedom of speech and of the press, including, but not limited to, the publication and distribution of expression in school-sponsored publications, whether such publications or other means of expression are supported financially by the school or by use of school facilities or are produced in conjunction with a class, except as provided in subsection B.

B. Truth, fairness, accuracy and responsibility are essential to the practice of journalism; therefore, nothing in this act shall be interpreted to authorize expression by students that

1) is obscene as to minors as defined by state law
2) is libelous or slanderous as defined by state law
3) constitutes an unwarranted invasion of privacy as defined by state law, or
4) so incites students as to create a clear and present danger of the commission of unlawful acts on school premises or the violation of lawful school regulation, or the material and substantial disruption of the orderly operation of the school. School officials must base a forecast of material and substantial disruption on specific facts, including past experience in the school and current events influencing student behavior, and not on undifferentiated fear or apprehension.

C. Student editors of school-sponsored publications shall be responsible for determining the news, opinion and advertising content of their publications, subject to the limitations of this act. Academic disciplinary action shall not be imposed upon students except in cases involving violation of this act. It shall be the responsibility of a journalism adviser or advisers of student publications within each school to supervise the production of the school-sponsored publication(s) and maintain the provisions of this act, while also maintaining professional standards of English and responsible journalism, including truth, fairness and accuracy. No journalism adviser will be fired, transferred or removed from his or her position for refusing to suppress the protected free expression rights of student journalists.

D. No expression made by students in the exercise of free speech or free press rights shall be deemed to be an expression of school policy, and no school official or school district shall be held responsible in any civil or criminal action for any expression made or published by students unless school officials have interfered with or altered the content of the student expression.

E. Each school shall adopt rules and regulations in the form of a written student freedom of expression policy developed jointly with the student publication adviser(s) and the appropriate school administrator(s), in accordance with this act, which shall include reasonable provisions for the time, place and manner of student expression.

F. Any student, individually or through a parent, guardian or publication adviser, may institute proceedings for injunctive relief or declaratory relief in any court of competent jurisdiction to enforce the rights provided in this act.

Appendix B

The Arkansas Student Publications Act -- Draft No. 2 (October 15, 1994)

A. Students of the public schools shall have the right to exercise freedom of speech and of the press, including, but not limited to, the publication and distribution of expression in school-sponsored publications, whether such publications or other means of expression are supported financially by the school or by use of school facilities or are produced in conjunction with a class, except as provided in Section B of this act.

B. Truth, fairness, accuracy and responsibility are essential to the practice of journalism; therefore, nothing in this act shall be interpreted to authorize expression by students that

1) is obscene as to minors as defined by state law
2) is libelous or slanderous as defined by state law
3) constitutes an unwarranted invasion of privacy as defined by state law, or
4) so incites students as to create a clear and present danger of the commission of unlawful acts on school premises or the violation of lawful school regulation, or the material and substantial disruption of the orderly operation of the school. School officials must base a forecast of material and substantial disruption on specific facts, including past experience in the school and current events influencing student behavior, and not on undifferentiated fear or apprehension.

C. It shall be the responsibility of a journalism adviser or advisers of student publications within each school to supervise the production of the school-sponsored publication(s) and maintain the provisions of this act, while teaching and encouraging professional standards of English and responsible journalism, including truth, fairness and accuracy. Student editors of school-sponsored publications shall be responsible for determining the news, opinion and advertising content of their publications, subject to the limitations of this act. Academic disciplinary action shall not be imposed upon students (for the exercise of their free speech and press rights), except in cases involving violation of this act. Refusal to suppress the protected free expression rights of student journalists will not be grounds for a journalism adviser to be fired, officially reprimanded, transferred or removed from his or her position.

D. No expression made by students in the exercise of free speech or free press rights shall be deemed to be an expression of school policy, and no school official or school district shall be held responsible in any civil or criminal action for any expression made or published by students unless school officials have interfered with or altered the content of the student expression.

E. Each school shall adopt rules and regulations in the form of a written student freedom of expression policy developed jointly with the student publication adviser(s) and the appropriate school administrator(s), in accordance with this act, which shall include reasonable provisions for the time, place and manner of student expression.

F. Any student, individually or through a parent, guardian or publication adviser, may institute proceedings for injunctive relief or declaratory relief in any court of competent jurisdiction to enforce the rights provided in this act.

Appendix C

The Arkansas Student Publications Act -- Draft No. 3 (February 15, 1995)

Section 1. Students of the public schools shall have the right to exercise freedom of speech and of the press, including, but not limited to, the publication and distribution of expression in school-sponsored publications, whether such publications or other means of expression are supported financially by the school or by use of school facilities or are produced in conjunction with a class, except as provided in Section 2 of this act.

Section 2. Truth, fairness, accuracy and responsibility are essential to the practice of journalism; therefore, nothing in this act shall be interpreted to authorize expression by students that

1) is obscene as to minors as defined by state law
2) is libelous or slanderous as defined by state law
3) constitutes an unwarranted invasion of privacy as defined by state law, or
4) so incites students as to create a clear and present danger of the commission of unlawful acts on school premises or the violation of lawful school regulation, or the material and substantial disruption of the orderly operation of the school. School officials must base a forecast of material and substantial disruption on specific facts, including past experience in the school and current events influencing student behavior, and not on undifferentiated fear or apprehension.

Section 3. Each school shall adopt rules and regulations in the form of a written student freedom of expression policy developed jointly by the student publication adviser(s) and the appropriate school administrator(s), in accordance with this act, which shall include reasonable provisions for the time, place and manner of student expression.

Section 4. Any student, individually or through a parent, guardian or publication adviser, may institute proceedings for injunctive relief or declaratory relief in any court of competent jurisdiction to enforce the rights provided in this act.

Appendix D

Arkansas Student Publications Act Draft No. 4 (March 9, 1995)

Section 1. TITLE. This act shall be known and cited as the "Arkansas Student Publications Act."

Section 2. Students in the public schools shall have the right to exercise freedom of the press, including the publication and distribution of expression in school-sponsored publications, whether such publications or other means of expression are supported financially by the school or by use of school facilities or are produced in conjunction with a class, except as provided in Section 3 of this act.

Section 3. Truth, fairness, accuracy and responsibility are essential to the practice of journalism; therefore, nothing in this act shall be interpreted to authorize expression by students that

(1) is obscene as to minors as defined by state law
(2) is libelous or slanderous as defined by state law
(3) constitutes an unwarranted invasion of privacy as defined by state law, or
(4) so incites students as to create a clear and present danger of the commission of unlawful acts on school premises or the violation of lawful school regulation or the material and substantial disruption of the orderly operation of the school.

Section 4. Each school shall adopt rules and regulations in the form of a written student publications policy developed in conjunction with the student publication adviser(s) and the appropriate school administrator(s), in accordance with this act, which shall include reasonable provisions for the time, place and manner of distributing student publications.

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Arkansas Student Publications Act -- Draft No. 5 (March 16, 1995)

State of Arkansas
80th General Assembly
Regular Session, 1995
By: Representatives Malone and Schexnayder
By: Senator Hardin

A Bill

HOUSE BILL 1777

For An Act To Be Entitled

"AN ACT TO REQUIRE PUBLIC SCHOOLS TO ADOPT WRITTEN STUDENT PUBLICATIONS POLICIES; AND FOR OTHER PURPOSES."

Subtitle

"TO REQUIRE WRITTEN STUDENT PUBLICATIONS POLICIES IN THE PUBLIC SCHOOLS."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

Section 1. TITLE. This act shall be known and cited as the "Arkansas Student Publications Act."

Section 2. Each school board shall adopt rules and regulations in the form of a written student publications policy developed in conjunction with the student publication adviser(s) and the appropriate school administrator(s), consistent with the other provisions of this act, which shall include reasonable provisions for the time, place, and manner of distributing student publications. Such policy shall be in place by January 1, 1996.

Section 3. Student publications policies shall recognize that students may exercise their right of expression, within the framework outlined in Section 2 of this act. This right includes expression in school-sponsored publications, whether such publications are supported financially by the school or by use of school

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facilities, or are produced in conjunction with a class, except as provided in Section 4 of this act.

Section 4. Student publications policies shall recognize that truth, fairness, accuracy, and responsibility are essential to the practice of journalism, and that the following types of publications by students are not authorized:

(1) publications that are obscene as to minors, as defined by state law

(2) publications that are libelous or slanderous, as defined by state law

(3) publications that constitute an unwarranted invasion of privacy, as defined by state law, or

(4) publications that so incite students as to create a clear and present danger of the commission of unlawful acts on school premises or the violation of lawful school regulations or the material and substantial disruption of the orderly operation of the school.

Section 5. All provisions of this act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

Section 6. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Section 7. All laws and parts of laws in conflict with this act are hereby repealed.